

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KARSTEN KENNEDY, §
Petitioner, §
VS. § CIVIL ACTION NO. 4:06-CV-444-Y
§
NATHANIEL QUARTERMAN, Director, §
T.D.C.J., Correctional §
Institutions Div., §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Karsten Kennedy under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 27, 2006; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 12, 2006.

The Court, after de novo review, concludes that Petitioner's objections must be overruled,¹ and that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Karsten Kennedy's petition for writ of habeas corpus is hereby DISMISSED WITHOUT PREJUDICE to his right to file

¹Even though Kennedy contends that he has filed a motion for leave to file a successive petition, this Court is without jurisdiction unless authorization to file a successive petition is provided by the Court of Appeals. Furthermore, a review of the docket of the Court of Appeals for the Fifth Circuit in case number 06-10577, *Kennedy v. Dretke*, shows that case is actually an appeal from the disposition of case number 5:05-CV-121-C.

a motion in the United States Court of Appeals for the Fifth Circuit for leave to file a successive petition.

SIGNED July 13, 2006.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE